

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-357-C - ORDER NO. 2004-11  
JANUARY 8, 2004

IN RE: Petition of PBT Communications, Inc. for	)	ORDER ESTABLISHING
Arbitration with BellSouth	)	ARBITRATION PLAN
Telecommunications, Inc. Pursuant to the	)	AND SCHEDULE
Telecommunications Act of 1996.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on a Petition for Arbitration filed by PBT Communications, Inc. ("PBT") on December 10, 2003, involving it and BellSouth Telecommunications, Inc. ("BellSouth") (collectively referred to as the "Parties"). The Petition was filed pursuant to Section 252(b) of the Telecommunications Act of 1996 ("1996 Act"). By its Petition, PBT requests the Commission to arbitrate certain unresolved issues related to the interconnection negotiations between PBT and BellSouth. PBT requests the Commission to conduct an evidentiary hearing concerning the unresolved issues of the interconnection negotiations between the Parties. Further, PBT requests that a schedule be established by the Commission for the filing of testimony and exhibits and for the filing of discovery requests and responses thereto in this proceeding.

Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the date on which the local exchange carrier received the request for negotiation. By its Petition, PBT asserts that commencement of negotiations in the present proceeding was

formally requested on July 3, 2003. We must therefore hear and rule on this matter on or before April 3, 2004. Accordingly, we will rule on various procedural matters connected with this case in this Order and establish an Arbitration Plan.

The Arbitration Hearing in this Docket shall begin at **10:30 A.M. on Friday, February 13, 2004**, in the Commission Hearing Room.

The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of PBT shall be prefiled on or before **January 16, 2004**. Further, twenty-five (25) copies of the direct testimony and exhibits of BellSouth shall be prefiled on or before **January 30, 2004**.

PBT shall prefile any rebuttal testimony and exhibits on or before **February 6, 2004**. Further, BellSouth shall prefile any surrebuttal testimony and exhibits on or before **February 10, 2004**. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The Parties shall file prehearing briefs with the Commission on or before **February 6, 2004**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the prehearing briefs. **Service on the parties and the Commission of the prefiled testimony and exhibits and the prehearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and prehearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified.** If actual, physical service cannot be accomplished on the dates indicated herein, service may be

accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and prehearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn, Chairman

ATTEST:



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Bruce F. Duke, Deputy Executive Director

(SEAL)